Supreme Court, U.S.
FILED
MAY 19 1994
OFFICE OF THE CLERK

NO. 93-1383

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

THE PEOPLE OF THE STATE OF ILLINOIS, PETITIONER

VS.

LLOYD PERKINS, RESPONDENT.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS,

AND FOR APPOINTMENT OF COUNSEL

Now comes the respondent, Lloyd Perkins, by his appointed counsel, the Office of the State Appellate Defender, Fifth Judicial District, Dan W. Evers, Assistant Defender, and moves This Honorable Court to permit him to proceed in forma pauperis pursuant to Supreme Court Rule 39. Further, if This Court grants the petition for a writ of certiorari, the respondent requests This Court to appoint Dan W. Evers as counsel under Supreme Court Rule 39.7. In support thereof, it is stated:

1. Respondent was found indigent by the Circuit Court of St. Clair County (Illinois) and was appointed counsel.

2. Respondent has proceeded in the Appellate Court of Illinois as an indigent, represented by his appointed counsel, the Office of the State Appellate Defender, Fifth District Office. Order declaring respondent indigent and appointing counsel is attached. See People v. Perkins, 176 Ill. App. 3d 443, 531 N.E.2d

2 pp

141 (5th Dist. 1988); People v. Perkins, 248 Ill. App. 3d 762, 618 N.E.2d 1275 (5th Dist. 1993).

3. This Court previously found the respondent to be indigent and allowed the respondent to proceed in forma pauperis. See order of October 2, 1989, Illinois v. Perkins, 493 U.S. 808 (1989).

4. Respondent is incarcerated in the Illinois Department of Corrections. Respondent was convicted in the Circuit Court of Montgomery County (Illinois) of armed robbery and was sentenced on December 7, 1987, to thirty years' imprisonment. The respondent was also represented by the Office of the State Appellate Defender, Fifth Judicial District, as appointed counsel in the appeal of that conviction.

5. Respondent remains indigent and is unable to pay any docket or other fees. Respondent's affidavit in support of this motion is attached hereto.

6. Respondent requests that Dan W. Evers, Assistant Defender, Office of the State Appellate Defender, Fifth Judicial District, a member of the bar of This Court, be appointed under Supreme Court Rule 39.7 to represent him if certiorari is granted by This Court. Dan W. Evers was admitted to the bar of This Court on October 21, 1985. Dan W. Evers has been a licensed attorney in the State of Illinois since November 5, 1981. Dan W. Evers has been employed in the Office of the State Appellate Defender, Fifth Judicial District, since January 18, 1982. Dan W. Evers represented the respondent before the Appellate Court of Illinois in all prior proceedings in this cause. This Court appointed Dan W. Evers as counsel to represent the respondent in Illinois v. Perkins, 496

U.S. 292 (1990). See order of January 22, 1990, Illinois v. Perkins, 493 U.S. 1054 (1990). Dan W. Evers briefed and argued the case of Lee v. Illinois, 476 U.S. 530 (1986) before This Court.

WHEREFORE, respondent prays that This Honorable Court permit him to proceed in forma pauperis in this cause. Further the respondent requests that if certiorari is granted, This Court appoint Dan W. Evers as counsel for the respondent.

Respectfully Submitted,

Dan W Evers

DAN W. EVERS
Assistant Defender
Office of the State Appellate Defende
Fifth Judicial District
Route 15 East - P.O. Box 2430
Mount Vernon, Illinois 62864
(618) 244-3466

COUNSEL FOR RESPONDENT

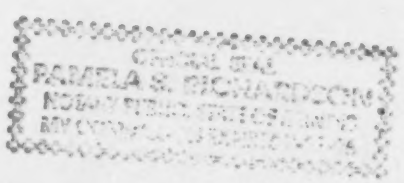
STATE OF ILLINOIS)
COUNTY OF JEFFERSON)

Dan W. Evers, being first duly sworn on oath, deposes and says that he is the person whose name is subscribed to the above motion for leave to proceed in forma pauperis, and for appointment of counsel, and that the facts alleged therein are true and correct in substance and in fact.

Dan W Evers

Subscribed and sworn to before me
this 19th day of May, 1994.

Pamela S Richardson
Notary Public



STATE OF ILLINOIS)
)
COUNTY OF ST. CLAIR

IN THE CIRUCIT COURT OF ST. CLAIR COUNTY

PEOPLE OF THE STATE OF ILLINOIS)
)
-vs-) INDICTMENT NO. 86-CF-305
LLOYD PERKINS)
)

FILED
JUN 16 1992
CIRCUIT CLERK

APPOINTMENT OF COUNSEL ON APPEAL

It appearing to the Court that the above-named defendant desires to appeal from the order entered by the Court on _____, and that the defendant is indigent and requests that appointment of counsel,

IT IS THEREFORE ORDERED THAT

Office of the State Appellate Defender
RANDY E. BLUE
Deputy Defender
Fifth Judicial District
~~601 Main Street~~, POBox 2430, Route 15 East,
Mt. Vernon, Illinois 62864

is hereby appointed to represent the above-named defendant for purposes of appeal.

IT IS FURTHER ORDERED that the Clerk of this court shall prepare and file a Notice of Appeal on behalf of the above-named defendant, and shall send a copy of the Notice of Appeal to the defendant's counsel.

IT IS FURTHER ORDERED that the Official Shorthand Reporter of this Court shall:

(a) Forthwith transcribe an original and a copy of all the notes taken of the proceedings in the above-entitled cause;
(b) Without charge to the defendant and within forty-nine days from the date the Notice of Appeal is filed, file the original of the Report of Proceedings with the Clerk of this Court and on the same day mail or deliver the copy of the Report of Proceedings to the defendant; and
(c) Within ten days thereafter, file in writing in open court a Report of Compliance with this Order.

IT IS FURTHER ORDERED that the Clerk of this Court shall:

(a) Send a copy of this order to the defendant and to defendant's counsel:
(b) Prepare and certify the Record on Appeal pursuant to Supreme Court Rules 324 and 608:
(c) File the Record on Appeal in the reviewing Court within sixty-three days from the date the Notice of Appeal is filed, or file a Certificate in Lieu of Recourd pursuant to Supreme Court Rule 325 and send the Record on Appeal to the defendant's counsel;
(d) Furnish the defendant with a copy of the common law record; and
(e) Within ten days thereafter, file in writing in open court a Report of Compliance with this order;

DATED: 6/16/92

ENTER:

JUDGE

NO. 93-1383

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1993

PEOPLE OF THE STATE OF ILLINOIS, PETITIONER

VS.

LLOYD PERKINS, RESPONDENT.

AFFIDAVIT

I, Lloyd Perkins, being first duly sworn according to law, depose and say, that I am the respondent in the above-entitled case; that in support of my motion to proceed in This Honorable Court without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; and that I believe I am entitled to redress.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? No sir

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer. _____

_____

b. If the answer is no, state the date of

your last employment and the amount of the salary and wages per month which you received.

Back in 1987 I'd make a little over a 1000.00 I work for my Grandpas JUNK yard. I only work three months.

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other sources? No sir

a. If the answer is yes, describe each source of income, and state the amount received from each during the past twelve months. _____

3. Do you own any cash or checking or savings account? No sir

a. If the answer is yes, state the total value of the items owned. _____

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? No sir

a. If the answer is yes, describe the property and state its approximate value. ____

5. List the persons who are dependent upon you for support and state your relationship to those persons. None!

I understand that false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

Further affiant sayeth not.

Lloyd Perkins

Lloyd Perkins
Reg. No. N38270

Subscribed to and sworn to before me this 22 day of March, 1994.

Notary Public

" OFFICIAL SEAL "
LEANNE PATE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXP: 12/6/94

NO. 93-1383

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

THE PEOPLE OF THE STATE OF ILLINOIS, PETITIONER

VS.

LLOYD PERKINS, RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI

TO THE APPELLATE COURT OF ILLINOIS

FIFTH JUDICIAL DISTRICT

RESPONDENT'S BRIEF IN OPPOSITION

DANIEL M. KIRWAN
Deputy Defender

*DAN W. EVERS
Assistant Defender

Office of the State Appellate Defende
Fifth Judicial District
Route 15 East, P.O. Box 2430
Mount Vernon, Illinois 62864
(618) 244-3466

COUNSEL FOR RESPONDENT
*Counsel of record

QUESTION PRESENTED FOR REVIEW

Whether the Appellate Court of Illinois correctly determined that the respondent's fifth and fourteenth amendment right to counsel was violated, when the respondent invoked his right to counsel at the time of his arrest and incarceration, and was later surreptitiously questioned by an undercover police officer about another offense?

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NO. 93-1383

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

THE PEOPLE OF THE STATE OF ILLINOIS, PETITIONER

VS.

LLOYD PERKINS, RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI

TO THE APPELLATE COURT OF ILLINOIS

FIFTH JUDICIAL DISTRICT

RESPONDENT'S BRIEF IN OPPOSITION

The respondent, Lloyd Perkins, by counsel, Dan W. Evers, Assistant Defender, Office of the State Appellate Defender, Fifth Judicial District, respectfully requests that This Honorable Court deny the State of Illinois' petition for writ of certiorari to the Appellate Court of Illinois, Fifth Judicial District, seeking review of the Appellate Court's decision issued on August 11, 1993. The opinion is reported at People v. Perkins, 248 Ill. App. 3d 762, 618 N.E.2d 1275 (5th Dist. 1993).

REASONS THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE DENIED

THIS COURT SHOULD DENY REVIEW OF THIS CASE, BECAUSE THE ISSUE PRESENTED BY THE STATE OF ILLINOIS' PETITION FOR A WRIT OF CERTIORARI OF WHETHER THE RESPONDENT'S FIFTH AND FOURTEENTH AMENDMENT RIGHT WAS VIOLATED DOES NOT WARRANT REVIEW UNDER THIS COURT'S RULE 10 AND BECAUSE THE COURT BELOW CORRECTLY DECIDED THE ISSUE.

This cause is an interlocutory appeal (Ill. S. Ct. Rule 604(a)) by the State of Illinois from the order of the Circuit Court of St. Clair County which suppressed the statements of the respondent. The hearing at which the statements were suppressed resulted from the Appellate Court's remanding the cause to the circuit court (People v. Perkins, No. 5-87-0286 (October 16, 1990) (R.C183-84)) after This Court reversed and remanded the cause to the Appellate Court in Illinois v. Perkins, 496 U.S. 292 (1990). The Appellate Court of Illinois, Fifth Judicial District, on August 11, 1993, affirmed the order of suppression by the circuit court. People v. Perkins, 248 Ill. App. 3d 762, 618 N.E.2d 1275 (5th Dist. 1993). The State of Illinois petitioned the Supreme Court of Illinois for leave to appeal under Illinois Supreme Court Rule 315(a), and the Supreme Court of Illinois, in the exercise of its sound discretion, denied the State's petition for leave to appeal on December 1, 1993.

The State of Illinois is now petitioning This Court to review the decision of the Appellate Court of Illinois, Fifth Judicial District. As the Supreme Court of Illinois exercised its sound

discretion to deny review of its lower court's decision, This Court should deny review of the case. The State's petition for a writ of certiorari does not present a question sufficiently important under This Court's Rule 10 to warrant review of the Appellate Court of Illinois' decision, and the Appellate Court correctly decided the issue presented.

This Court is not asked by the State of Illinois to exercise its discretion to review a decision of a state court of last resort under This Court's Rule 10.1(b). The State of Illinois seeks review of the decision of the Appellate Court of Illinois, not review of a decision by the Supreme Court of Illinois. The Supreme Court of Illinois had the authority to review the decision of the Appellate Court of Illinois, and has general supervisory powers over the lower courts of Illinois. See Ill. S. Ct. Rules 315(a) and 383. The denial by the Supreme Court of Illinois of the State of Illinois' petition for leave to appeal shows that the Supreme Court of Illinois thought that the Appellate Court's decision did not warrant its review or require the exercise of its supervisory authority. The Supreme Court of Illinois determined that the question presented by the State did not warrant its expenditure of time and resources in reviewing the case. That the Supreme Court of Illinois denied review of the case is sufficient assurance that a manifest injustice against the State of Illinois was not committed requiring This Court's intervention.

The State of Illinois contends that this case is appropriate for review by This Court under This Court's Rule 10.1(c). Rule

10.1(c) provides that review by the Court is appropriate "[w]hen a state court...has decided a federal question in a way that conflicts with applicable decisions of this Court." The State of Illinois seeks to cast the Appellate Court's decision in conflict with This Court's decision in Illinois v. Perkins, 496 U.S. 292 (1990). See the State of Illinois' petition for a writ of certiorari at 7-10. However, the Appellate Court's decision does not conflict with This Court's decision in Perkins, but is instead consistent with that decision.

Justice Brennan noted, in his concurring opinion in Perkins, "[n]othing in the Court's opinion suggests that, had respondent previously invoked his Fifth Amendment right to counsel or right to silence, his statements would be admissible. If respondent had invoked either right, the inquiry would focus on whether he subsequently waived the particular right." Perkins, 496 U.S. at 300 (Brennan, J., concurring). Justice Brennan cited to Edwards v. Arizona, 451 U.S. 477 (1981) for this proposition. Justice Brennan further noted since the defendant "was in custody on an unrelated charge when he was questioned, he may be able to challenge the admission of these statements if he previously had invoked his Miranda [v. Arizona, 384 U.S. 436 (1966)] rights with respect to that charge." Perkins, 496 U.S. at 300 (Brennan, J., concurring). Justice Brennan cited to Arizona v. Roberson, 486 U.S. 675 (1988) for this proposition. Consequently, This Court did not understand its decision in Perkins to decide or foreclose the instant issue. The Appellate Court, in reaching its judgment, properly considered

the State of Illinois' contentions based upon This Court's decision in Perkins. Perkins, 618 N.E.2d 1275, 1277.

Justice Brennan's concerns are applicable, because the respondent's fifth amendment right against self-incrimination exists separately from Miranda v. Arizona, 384 U.S. 436 (1966). As the Appellate Court of Illinois recognized in People v. Young, 201 Ill. App. 3d 521, 558 N.E.2d 1287, 1290 (1st Dist. 1990), aff'd, 153 Ill. 2d 383, 607 N.E.2d 123 (1992), cert. denied, __ U.S.__, 114 S. Ct. 97, 126 L.Ed. 2d 64 (1993), "[i]t is, however, axiomatic that the thrust of Miranda was to create new duties for the police, not to diminish the pre-existing fifth amendment rights of individuals. An individual's fifth amendment rights exist exclusive of the right to receive Miranda warnings." See also People v. Spivey, 209 Ill. App. 3d 584, 568 N.E.2d 327, 332 (1st Dist. 1991).

In Perkins This Court determined that the undercover agent, Parisi, was not required to inform the respondent of the respondent's fifth amendment rights under Miranda. However, the question of whether the undercover agent was required to inform the respondent of his fifth amendment rights is separate from the questions of whether the respondent had invoked his rights under the fifth amendment, and whether those rights were violated by the police.

The Circuit Court of St. Clair County found as fact that the respondent had invoked his fifth and fourteenth amendment (U.S. Const. amends. V and XIV) right to counsel at the time of his

arrest and incarceration in the Montgomery County Jail. (R.C205-06) The Appellate Court affirmed this factual finding as supported by the evidence. The circuit court found a fifth amendment violation, relying on Roberson and Edwards. The circuit court determined "that the State...failed to meet its burden of proof regarding the voluntariness of the [respondent's] statement." (R.C204-06)

In Edwards, This Court held that an incarcerated accused person, "having expressed his desire to deal with the police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges, or conversations with the police." Edwards, 451 U.S. at 485. See also Minnick v. Mississippi, 498 U.S. 146, 152 (1990); Roberson, 486 U.S. at 682. This Court made clear in Roberson that once the incarcerated individual has invoked his fifth amendment right to counsel, he is not subject to questioning by the authorities about any other offenses until he has been allowed to consult with counsel. In McNeil v. Wisconsin, 501 U.S. __, 111 S.Ct. 158, 115 L.Ed. 2d 158, 169 (1991), This Court stated that "[i]f the police do subsequently initiate an encounter in the absence of counsel (assuming there has been no break in custody), the suspect's statements are presumed involuntary."

The circuit court found that the respondent had invoked his right to counsel. Consequently, the authorities could not approach him for any type of questioning, either the traditional police interrogation or questioning by an undercover agent, without the

respondent being provided counsel. Since the authorities did initiate an encounter with the respondent, his statements are presumed to be involuntary and, therefore, subject to suppression.

In United States v. Henry, 447 U.S. 264, 274 (1980), This Court noted that "the mere fact of custody imposes pressures on the accused; confinement may bring into play subtle influences that will make him particularly susceptible to the ploys of undercover Government agents." In Henry, This Court followed the decision in Massiah v. United States, 377 U.S. 201 (1964), which established that under the sixth amendment (U.S. Const. amend. VI) a defendant could not be surreptitiously questioned by undercover state agents after indictment, in the absence of his counsel. Massiah recognized that "'[a]ny secret interrogation of the defendant, from and after the finding of the indictment, without the protection afforded by the presence of counsel, contravenes the basic dictates of fairness in the conduct of criminal causes and the fundamental rights of persons charged with crime.'" Massiah, 377 U.S. at 205, quoting People v. Waterman, 9 N.Y.2d 561, 565, 175 N.E.2d 445, 448 (1961).

In Kuhlmann v. Wilson, 477 U.S. 436, 459 (1986), This Court explained that "the primary concern of the Massiah line of decisions is secret interrogation by investigatory techniques that are the equivalent of direct police interrogation." The Court in Wilson further explained that a violation of the defendant's sixth amendment right to counsel is not proven by a simple "showing that an informant, either through prior arrangement or voluntarily,

reported his incriminating statements to the police. Rather, the defendant must demonstrate that the police and their informant took some action, beyond merely listening, that was designed deliberately to elicit incriminating remarks." Wilson, 477 U.S. at 459.

These same concerns in the sixth amendment context apply under the fifth amendment. The respondent in this case was subjected to a "secret interrogation" by "investigatory techniques" that were "the equivalent of direct police interrogation." See Wilson. The undercover agent in this case did more than simply listen; he interrogated the respondent. The undercover agent in this case did more than simply sit around and wait for the respondent to make an incriminating statement; he actively and deliberately elicited incriminating information from the respondent. The respondent did not initiate discussions with the authorities; rather, the authorities initiated questioning of the respondent by placing the undercover agent in the cell with the respondent with the purpose of questioning the respondent about the murder. Consequently, the respondent did not knowingly or voluntarily waive his previously-invoked fifth amendment rights.

Since the respondent had invoked his fifth amendment right to counsel, and had expressed his "desire to deal with the police only through counsel", he was "not subject to further interrogation by the authorities until counsel ha[d] been made available to him". Roberson. This invocation of his right to counsel included any form of questioning by the authorities, including surreptitious questioning by an undercover agent; to hold otherwise would permit

the police to question the respondent without the presence of counsel, in direct contravention of the respondent's expressed desire. Under these circumstances, there was no waiver of the respondent's previously-expressed desire to deal with the authorities only through counsel, and the courts below properly found that the State had failed to prove the statements were voluntarily made.

The decision in this case also does not warrant review, because the Appellate Court here upheld a federal constitutional right of the respondent. This Court's primary purpose should be to insure "that certain rights are firmly secured against possible oppression by the Federal or State Governments." Florida v. Meyers, 466 U.S. 380, 385 (1984) (Stevens, J., dissenting). As Justice Stevens further stated in Meyers, This "Court must be ever mindful of its primary role as the protector of the citizen and not the warden or the prosecutor." Meyers, 466 U.S. at 387. Consequently, This Court should deny the State of Illinois' petition for a writ of certiorari.

CONCLUSION

This Court should deny the State of Illinois' petition for a writ of certiorari, because the petition fails to present an issue of sufficient importance to warrant review by This Court, and because the decision of the court below is correct.

Respectfully submitted,

DANIEL M. KIRWAN
Deputy Defender

*DAN W. EVERS
Assistant Defender

Office of the State Appellate Defender
Fifth Judicial District
Route 15 East - P.O. Box 2430
Mount Vernon, Illinois 62864
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COUNSEL FOR RESPONDENT
*Counsel of record

NO. 93-1383

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

THE PEOPLE OF THE STATE OF ILLINOIS, PETITIONER

VS.

LLOYD PERKINS, RESPONDENT.

ENTRY OF APPEARANCE

Dan W. Evers, a member of the bar of the Supreme Court of the United States, hereby enters his appearance as counsel for the respondent in the above-styled cause.

Respectfully submitted,

Dan W Evers

DAN W. EVERS
Assistant Defender
Office of the State Appellate Defender
Fifth Judicial District
Route 15 East - P.O. Box 2430
Mount Vernon, Illinois 62864
(618) 244-3466

COUNSEL FOR RESPONDENT

NO. 93-1383

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

THE PEOPLE OF THE STATE OF ILLINOIS, PETITIONER

VS.

LLOYD PERKINS, RESPONDENT.

NOTICE AND PROOF OF SERVICE

TO: Honorable William K. Suter
Clerk of the Supreme Court
of the United States
1 First Street N.E.
Washington, D.C. 20543

Lloyd Perkins
Reg. No. N38270
P.O. Box 300
Shawnee Correctional Center
Vienna, IL 62995

Arleen C. Anderson
Assistant Attorney General
Roland W. Burris
Attorney General
100 W. Randolph, Suite 12
Chicago, IL 60601
(312) 814-2503
Counsel for Petitioner,
People of the State of Illinois

Stephen E. Norris
State's Attorney's
Appellate Prosecutor
Rte. 15 East-P.O. Box 2249
Mt. Vernon, IL 62864
(618) 244-2107

The undersigned, being first duly sworn on oath, deposes and says that all parties required to be served have been served and that she has mailed the original copy of the respondent's brief in opposition to the State of Illinois' petition for writ of certiorari, the original copy of the motion for leave to proceed in forma pauperis, and for appointment of counsel, the original copy of the affidavit of indigency of the respondent, and the original copy of the entry of appearance in the above-captioned matter to the Clerk of the Supreme Court of the United States, and that I am serving the Illinois Attorney General, and the Office of the State's Attorneys Appellate Prosecutor with three copies of the respondent's brief in opposition to the State of Illinois' petition for writ of certiorari, with one copy of the respondent's motion for leave to proceed in forma pauperis, and for appointment of counsel, with one copy of the respondent's affidavit of indigency,

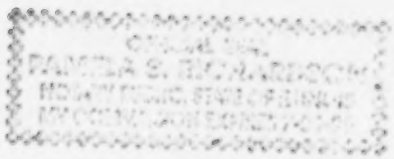
and one copy of the entry of appearance in the above-captioned matter, and that I am serving the respondent with one copy of each document by depositing the originals and copies in the mail in Mt. Vernon, Illinois, with sufficient prepaid first-class postage and addressed as indicated and by personal service on the Office of the State's Attorneys Appellate Prosecutor on this 19th day of May, 1994.

Sheila Tasker

Office of the State Appellate Defender
Fifth Judicial District
Route 15 East, P.O. Box 2430
Mount Vernon, Illinois 62864
(618) 244-3466

Subscribed and sworn to before me
this 19th day of May, 1994.

Pamela S. Richardson
Notary Public



OFFICE OF THE STATE APPELLATE DEFENDER
FIFTH JUDICIAL DISTRICT

DANIEL M. KIRWAN
DEPUTY DEFENDER

ROUTE 15 EAST, P.O. BOX 2430
MOUNT VERNON, ILLINOIS 62864

TELEPHONE: (618) 24
FAX: (618) 24

RECEIVE
MAY 2 5 199
OFFICE OF THE CLI
SUPREME COURT, U

May 19, 1994

Honorable William K. Suter
Clerk of the Supreme Court
of the United States
Supreme Court Building
1 First Street N.E.
Washington, D.C. 20543

Re: People of the State of Illinois vs. Lloyd Perkins
No. 93-1383

Dear Mr. Suter:

I have enclosed the following documents for filing with the Court. These documents are filed in response to the Court's request of April 19, 1994.

Motion for leave to proceed in forma pauperis, and for appointment of counsel,

Affidavit of indigency of the respondent,

Brief in Opposition to the State of Illinois' petition for a writ of certiorari

Entry of appearance, and

Proof of service of the above documents.

Sincerely,

Dan W Evers

DAN W. EVERS
Assistant Defender

DWE
Enc.

Assistant Defenders
Edwin J. Anderson
Dan W. Evers
Janet G. Fowler
Rita K. Peterson
E. Joyce Randolph
Larry R. Wells
Michelle A. Zalisko

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